

SIXTY SIXTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 16, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Ramos presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Olivia Snyder and Eric Brown. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Matt Daniells, Evergreen Bible Church, Vancouver, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

January 15, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5450,
SECOND ENGROSSED SENATE BILL NO. 5887,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 15, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323,
SENATE BILL NO. 5811,
SECOND SUBSTITUTE SENATE BILL NO. 5947,
SENATE JOINT MEMORIAL NO. 8014,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

Speaker Jenkins assumed the chair.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2590 by Representatives Peterson, Lekanoff and Doglio

AN ACT Relating to unlawful possession of a firearm; amending RCW 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 70.02.240; reenacting and amending RCW 9.41.040 and 70.02.230; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2591 by Representatives Senn, Dent, Kilduff, Eslick, Appleton, Callan, Macri, Corry, Frame, Pollet, Robinson, Thai, Caldier, Fey, Chopp, Bergquist, Lekanoff, Cody, Doglio, Gregerson, Goodman, J. Johnson, Leavitt, Santos, Ormsby, Riccelli and Davis

AN ACT Relating to youth eligible for developmental disability services who are expected to exit the foster care system; amending RCW 43.88C.010 and 74.13.341; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2592 by Representatives Barkis, Doglio, Hoff and Eslick

AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

HB 2593 by Representatives Boehnke, DeBolt, Goehner, Steele, Gildon and Tharinger

AN ACT Relating to promoting economic development through enhancing state agency permitting; and amending RCW 43.42A.010, 43.42A.020, and 43.42A.040.

Referred to Committee on State Government & Tribal Relations.

HB 2594 by Representatives Boehnke, DeBolt, Shewmake and Goehner

AN ACT Relating to disclosures to retail electric and natural gas customers; amending 2019 c 288 s 23 (uncodified); adding a new section to chapter 19.29A

RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2595 by Representatives Boehnke, Chapman, Dent, Leavitt, Goehner, Steele and Eslick

AN ACT Relating to smoke detection devices; and amending RCW 43.44.110.

Referred to Committee on Civil Rights & Judiciary.

HB 2596 by Representatives Boehnke, Kloba, Slatter, Entenman, Hudgins, Steele, Eslick and Santos

AN ACT Relating to fostering economic growth in Washington by supporting emerging businesses in the new space economy; and creating new sections.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2597 by Representatives Robinson, Harris, Macri, J. Johnson, Tharinger, Santos and Pollet

AN ACT Relating to increasing patient access rights to timely and appropriate postacute care by addressing the medicaid functional assessment and financial eligibility process for medicaid funded long-term services and supports; amending RCW 74.39A.040; adding a new section to chapter 74.39A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2598 by Representatives Tharinger, Schmick, Pollet and Kloba

AN ACT Relating to requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 2599 by Representatives Eslick, Kilduff, Doglio and Leavitt

AN ACT Relating to services for children with multiple handicaps; and repealing 74.26.010, 74.26.020, 74.26.030, 74.26.040, 74.26.050, and 74.26.060.

Referred to Committee on Human Services & Early Learning.

HB 2600 by Representatives Callan, Kilduff and Ramos

AN ACT Relating to the definition of "community residential service business" for the purposes of chapter 74.39A RCW; and amending RCW 74.39A.009.

Referred to Committee on Human Services & Early Learning.

HB 2601 by Representatives Tharinger, Barkis, Leavitt and Ryu

AN ACT Relating to the authority of the parks and recreation commission to approve leases; and amending RCW 79A.05.025 and 79A.05.030.

Referred to Committee on Housing, Community Development & Veterans.

HB 2602 by Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri

AN ACT Relating to hair discrimination; and amending RCW 49.60.040.

Referred to Committee on Civil Rights & Judiciary.

HB 2603 by Representatives Springer, Chandler, Chapman, Fitzgibbon, Lekanoff and Tharinger

AN ACT Relating to trust water rights; amending RCW 90.42.005, 90.42.010, 90.42.030, 90.42.040, 90.42.080, 90.42.100, 90.42.110, 90.42.130, 90.42.150, 90.42.160, and 90.80.055; reenacting and amending RCW 90.42.020; adding new sections to chapter 90.42 RCW; and repealing RCW 90.42.120.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2604 by Representatives Young, Tarleton, Smith, Slatter and Hudgins

AN ACT Relating to fostering economic growth in Washington by supporting a certain regulatory environment for blockchain and distributed ledger technology solutions; creating new sections; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2605 by Representatives Young and Eslick

AN ACT Relating to providing a business and occupation tax credit for financial institutions issuing loans to women, minority, and veteran-owned businesses; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2606 by Representatives Young, Eslick, Irwin and Barkis

AN ACT Relating to providing a business and occupation tax credit for financial institutions issuing loans for affordable housing programs; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2607 by Representatives Callan, Corry, Caldier, Eslick, Orwall, Entenman, Davis, Shewmake, Lekanoff, Thai, Chapman, Steele, Fey, Chopp, Robinson, Bergquist, Senn, Cody, Doglio, Goodman, Leavitt, Ramel, Santos, Ormsby, Pollet, Kloba and Macri

AN ACT Relating to assisting homeless individuals in obtaining Washington state identicards; amending RCW 46.20.117; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Human Services & Early Learning.

HB 2608 by Representatives Blake, Griffey, Van Werven, Chapman, Eslick and Leavitt

AN ACT Relating to project review and approval under the state building code; amending RCW 19.27.015, 19.27.020, 19.27.060, 19.27A.015, and 19.27A.020; adding new sections to chapter 19.27 RCW; adding new sections to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2609 by Representatives Duerr, Walen, Fitzgibbon, Slatter, Doglio, Lekanoff, Senn, Goodman, Santos, Ormsby and Macri

AN ACT Relating to addressing climate change through growth management; amending RCW 36.70A.020, 36.70A.480, 36.70A.130, 36.70A.210, 36.70A.100, and 47.80.030; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment & Energy.

HB 2610 by Representatives Duerr, Ramel, Kloba, Appleton, Walen, Harris, Ryu, Gregerson, Doglio, Dolan, Valdez, Tharinger, Santos, Pollet and Macri

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.300 and 59.20.305; reenacting and amending RCW

59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2611 by Representatives Duerr, Mead, Ramel, Fitzgibbon, Gregerson and Pollet

AN ACT Relating to promoting the development of the Washington state bioeconomy; and creating new sections.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2612 by Representatives Kloba, Dolan, Doglio, Morgan, Vick, Blake and Peterson

AN ACT Relating to continuing to improve the regulated marijuana system; amending RCW 69.50.4013, 69.51A.040, 69.51A.055, and 69.51A.060; reenacting and amending RCW 69.51A.010; and repealing RCW 69.51A.043.

Referred to Committee on Health Care & Wellness.

HB 2613 by Representatives Sells and Mosbrucker

AN ACT Relating to granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language; amending RCW 50.12.200, 50.20.190, 50.29.021, 50.50.070, and 50A.05.070; creating a new section; and repealing RCW 50.29.020.

Referred to Committee on Labor & Workplace Standards.

HB 2614 by Representatives Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby

AN ACT Relating to paid family and medical leave; amending RCW 50A.05.010, 50A.10.010, 50A.10.040, 50A.15.020, 50A.15.060, 50A.15.080, 50A.15.100, 50A.25.070, 50A.30.010, 50A.30.035, 50A.40.010, 50A.40.020, 50A.40.030, 50A.50.010, and 26.23.060; adding new sections to chapter 50A.40 RCW; and adding a new section to chapter 50A.05 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2615 by Representatives Robinson, Schmick, Cody, Doglio, Macri, Vick, Thai, Senn, Tharinger and Pollet

AN ACT Relating to establishing the primary care collaborative; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2616 by Representatives Cody, Macri and Tharinger

AN ACT Relating to nonparticipating providers; and amending RCW 74.09.522.

Referred to Committee on Appropriations.

HB 2617 by Representatives Robinson, Ortiz-Self, Sells, Macri, Valdez, Lekanoff and Senn

AN ACT Relating to the lease or rental of surplus property of school districts; amending RCW 28A.335.040; and creating a new section.

Referred to Committee on Education.

HB 2618 by Representatives Shewmake, Van Werven and Leavitt

AN ACT Relating to restoring the nonresident retail sales tax exemption; amending RCW 82.08.0273; adding a new section to chapter 82.08 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2619 by Representatives Shewmake, Chapman, Ramel, Springer, Van Werven, Senn, Doglio, Goodman and Tharinger

AN ACT Relating to increasing early learning access through licensing, eligibility, and rate improvements; amending RCW 43.216.514 and 43.216.305; adding a new section to chapter 43.216 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services & Early Learning.

HB 2620 by Representatives Walen, Barkis, Fitzgibbon, Chapman, Boehnke, Duerr, MacEwen, Gildon, Ortiz-Self, Lekanoff, Senn and Leavitt

AN ACT Relating to expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas; amending RCW 84.14.007, 84.14.010, 84.14.020, 84.14.040, 84.14.060, and 84.14.100; and creating a new section.

Referred to Committee on Finance.

HB 2621 by Representatives Maycumber, Tharinger, Schmick, Chapman, MacEwen and Eslick

AN ACT Relating to creating regulation exemptions for rural health clinics providing services in a designated home health shortage area; and amending RCW 70.127.040.

Referred to Committee on Health Care & Wellness.

HB 2622 by Representatives Kilduff, Walen, Senn, Pollet and Davis

AN ACT Relating to procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses; and amending RCW 9.41.801 and 7.94.090.

Referred to Committee on Civil Rights & Judiciary.

HB 2623 by Representatives Walen, Valdez, Macri, Chapman, Kilduff and Senn

AN ACT Relating to prohibiting the possession of firearms by persons convicted of certain criminal offenses; amending RCW 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 70.02.240; and reenacting and amending RCW 9.41.040 and 70.02.230.

Referred to Committee on Civil Rights & Judiciary.

HB 2624 by Representatives Shewmake, Kretz, Blake, Dent and Lekanoff

AN ACT Relating to the authority of the director of the department of agriculture with respect to certain examinations and examination fees; and amending RCW 15.58.040, 15.58.240, 17.21.030, and 17.21.134.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2625 by Representatives Eslick, Tarleton, Griffey, Pollet, Goehner, Senn and Chapman

AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2626 by Representatives Eslick, Dent, McCaslin, Kraft, Sutherland, Shea, Jenkin, Young, Caldier and Kretz

AN ACT Relating to providing a limited informed consent exemption to state vaccination requirements; amending RCW 28A.210.080 and 43.216.690; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2627 by Representatives Walsh, Corry and Shea

AN ACT Relating to establishing a special allegation and sentencing enhancement for wearing a mask or other disguise during or immediately following the commission of any felony offense; amending RCW 9.94A.533 and 9.94A.729; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2628 by Representative Walsh

AN ACT Relating to the responsibilities of the three branches of government for administrative rules and procedure; amending RCW 34.05.570; adding new sections to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 2629 by Representatives Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba and Graham

AN ACT Relating to waiving utility connection charges for certain properties; amending RCW 23.86.400, 24.06.600, 36.94.140, and 54.24.080; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2630 by Representatives Walen, Goodman, Slatter, Springer, Duerr, Kloba, Rude, Chapman and Leavitt

AN ACT Relating to providing a limited property tax exemption for the construction of accessory dwelling units; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Finance.

HB 2631 by Representatives Ortiz-Self, Lovick, Frame, Entenman, Dolan, Caldier, Gregerson, Pollet and Davis

AN ACT Relating to creating a family engagement framework; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2632 by Representatives Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri

AN ACT Relating to false reporting of a crime or emergency; amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2633 by Representatives Ortiz-Self, Bergquist, Callan, Valdez, Santos, Dolan, Thai, Kilduff, Doglio, Gregerson, Pollet, Davis and Macri

AN ACT Relating to ethnic studies materials and resources for public school students in grades kindergarten through six; amending RCW 28A.655.300 and 28A.300.112; amending 2019 c 279 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Education.

HB 2634 by Representatives Walen, Barkis, Stokesbary, Macri, Chapman, Gildon, Chopp, Robinson, Senn, Leavitt and Tharinger

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 2635 by Representatives Barkis, Walen, Dufault, Irwin and Ormsby

AN ACT Relating to collection agency transaction fees for processing electronic payments; amending RCW 19.16.100; and reenacting and amending RCW 19.16.250.

Referred to Committee on Consumer Protection & Business.

HB 2636 by Representatives Walen, Dufault, Goodman, Barkis and Ormsby

AN ACT Relating to an affirmative defense for bona fide errors under the Washington collection agency act; and amending RCW 19.16.440.

Referred to Committee on Consumer Protection & Business.

HB 2637 by Representatives Pettigrew, Harris, Steele, Doglio, Rude, Goodman, Stokesbary, Bergquist, Stonier, Fitzgibbon, Callan, Thai, Valdez, Hudgins, Gregerson, Leavitt, Pollet and Riccelli

AN ACT Relating to school library information and technology programs; amending RCW 28A.150.260 and 28A.320.240; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.320 RCW; and providing expiration dates.

Referred to Committee on Education.

HB 2638 by Representatives Peterson, MacEwen, Stonier, Harris, Robinson, Young, Ortiz-Self, Stokesbary, Tharinger, Walsh, Riccelli, Appleton, Griffey, Hansen, Kloba, Lekanoff, Sells, Chapman, Gregerson and Ramel

AN ACT Relating to authorizing sports wagering subject to the terms of tribal-state gaming compacts; amending RCW 9.46.070, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Gaming.

HB 2639 by Representatives Caldier, Chambers, Davis, Corry, Macri, Rude, Robinson and Doglio

AN ACT Relating to creating the home sharing support grant program; amending RCW 36.22.179 and 36.22.1791; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2640 by Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ryu

AN ACT Relating to clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act; amending RCW 36.70A.200; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 2641 by Representatives Fey, Valdez, Lekanoff, Doglio, Tharinger, Pollet and Macri

AN ACT Relating to authorizing cities to provide passenger-only ferry service; and adding a new chapter to Title 35 RCW.

Referred to Committee on Transportation.

HB 2642 by Representatives Davis, Cody, Chopp, Harris, Leavitt, Caldier, Smith, Goodman, Orwall, Thai, Macri, Stonier, Schmick, Tharinger, Riccelli, Robinson, Griffey, Graham, Appleton, Callan, Irwin, Bergquist, Lekanoff, Barkis, Senn, Doglio, Walen, Peterson, Ormsby and Pollet

AN ACT Relating to removing health coverage barriers to accessing substance use disorder treatment services; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2643 by Representatives Callan, Ybarra, Ortiz-Self, Rude, Orwall, Davis, Thai, Steele, Fey, Gildon, Doglio, Leavitt, Harris and Pollet

AN ACT Relating to educator recertification requirements regarding youth suicide screening, referral, and safety planning; and amending RCW 28A.410.226.

Referred to Committee on Education.

HB 2644 by Representatives Smith, Eslick, Santos, Pollet and Kloba

AN ACT Relating to artificial intelligence-enabled profiling; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2645 by Representatives Smith, Eslick and Pollet

AN ACT Relating to the photovoltaic module stewardship and takeback program; and amending RCW 70.355.010.

Referred to Committee on Environment & Energy.

HB 2646 by Representatives Kilduff, Ryu, Doglio, Sells, Davis, Macri, Peterson and Pollet

AN ACT Relating to reducing work-related musculoskeletal disorders in the health care sector; adding new sections to chapter 51.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 2647 by Representatives Walsh, Blake, Boehnke, Smith, Van Werven, Duerr and Barkis

AN ACT Relating to election security; amending RCW 29A.40.091, 29A.60.235, 29A.04.611, 29A.60.125, 29A.60.170, 29A.60.185, 29A.64.011, 29A.64.021, 29A.64.030, 29A.64.041, 29A.64.050, 29A.64.070, 29A.64.090, and 29A.60.165; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.32 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.84 RCW; adding new sections to chapter 29A.60 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on State Government & Tribal Relations.

HB 2648 by Representatives Klippert, Eslick and McCaslin

AN ACT Relating to sexual health and HIV/AIDS education, medical accuracy, and parental review for public schools; amending 2007 c 265 s 1 (uncodified); adding a new section to chapter 28A.300 RCW;

creating a new section; repealing RCW 28A.230.070 and 28A.300.475; and declaring an emergency.

Referred to Committee on Education.

HB 2649 by Representatives Ryu, Doglio, Lekanoff, Ormsby and Pollet

AN ACT Relating to homeless shelter capacity; amending RCW 43.185C.050 and 43.185C.080; and creating a new section.

Referred to Committee on Housing, Community Development & Veterans.

HB 2650 by Representatives Wylie and Volz

AN ACT Relating to possessory liens on motor vehicles that an auction company stores; amending RCW 46.70.330; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2651 by Representatives Doglio, Fitzgibbon, Ramel, Ryu, Tharinger, Macri, Shewmake, Peterson, Hudgins, Walen, Mead, Tarleton, Gregerson and Riccelli

AN ACT Relating to addressing food waste by standardizing labels communicating the freshness or expiration of food; amending RCW 15.130.300 and 15.130.550; adding a new section to chapter 15.130 RCW; and prescribing penalties.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2652 by Representatives Doglio, Ramel, Fitzgibbon, Shewmake, Blake and Santos

AN ACT Relating to renewable ammonia; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2653 by Representatives Thai, Ybarra, Bergquist, Goodman, Ortiz-Self, Sells, Lovick, Valdez, Entenman, Callan, Senn, Gregerson, Leavitt, Ramos, Pollet, Davis and Kloba

AN ACT Relating to determining cultural bias in kindergarten assessments; creating new sections; repealing RCW 28A.655.080; and providing an expiration date.

Referred to Committee on Education.

HB 2654 by Representatives Sells, Ybarra, Bergquist, Lovick, Santos, Ortiz-Self, Caldier, Riccelli, Entenman, Leavitt, Robinson and Ramos

AN ACT Relating to uniform reporting in community and technical colleges by requiring certain fiscal details to be available online; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2655 by Representatives Griffey, Bergquist, Lovick, Sullivan and Leavitt

AN ACT Relating to the definition of period of war for pensions; and amending RCW 41.26.030, 41.26.520, 41.26.160, and 41.26.510.

Referred to Committee on Appropriations.

HB 2656 by Representatives Gregerson, Dye, Doglio, Peterson, Mead, Fitzgibbon, Thai, Senn, Goodman, Ramos, Pollet and Macri

AN ACT Relating to reducing waste associated with single-use food service products; amending RCW 70.95.080; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Environment & Energy.

HB 2657 by Representatives Gregerson, Entenman, Macri, Appleton, Doglio, Dolan, Robinson, Peterson, Duerr, Orwall, Morgan, Walen, Pellicciotti, J. Johnson, Leavitt, Valdez, Chopp, Santos, Davis and Kloba

AN ACT Relating to extending the closure notice period for manufactured/mobile home communities; amending RCW 59.20.060, 59.20.073, 59.20.080, and 59.21.030; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2658 by Representatives Stokesbary and Barkis

AN ACT Relating to authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property; and adding new sections to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2659 by Representatives Young, Walsh, Shea, Corry, Gildon, Jenkin, Chambers, Irwin, Van Werven, Ybarra and Kraft

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355 and 46.17.323; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; creating new sections; repealing RCW 46.17.365 and 46.68.415; and declaring an emergency.

Referred to Committee on Transportation.

HB 2660 by Representatives Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri

AN ACT Relating to increasing the availability of school meals provided to public school students at no student cost; amending RCW 28A.235.290; adding a new section to chapter 28A.235 RCW; and creating a new section.

Referred to Committee on Education.

HB 2661 by Representatives Senn, Chopp, Sullivan, Callan, Pettigrew, Mead, Davis, Appleton, Thai, Shewmake, Bergquist, Valdez, Walen, Goodman, Macri, Riccelli, Hudgins, Leavitt, Lekanoff, Pollet, Slatter, Kilduff, Dolan, Tarleton, Chapman, Stonier, Lovick, Robinson, Orwall, Gregerson, Ortiz-Self, Entenman, Fitzgibbon, Morgan, J. Johnson, Pellicciotti, Wylie, Peterson, Kirby, Duerr, DeBolt, Sells, Fey, Ryu, Doglio, Ramel, Ramos, Tharinger and Frame

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.31.577, 43.216.505, 43.216.512, 43.216.514, 43.216.749, 43.216.578, 43.216.710, 28B.50.248, 43.31.583, 43.31.575, 43.216.089, 43.216.525, and 43.216.655; reenacting and amending RCW 43.216.135, 43.216.010, and 43.84.092; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.216 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

HB 2662 by Representatives Maycumber, Cody, DeBolt, Tharinger, Chopp, Harris, Macri, Thai, Chambers, Caldier, Duerr, Hudgins, Chapman, Steele, Gildon, Eslick, Robinson, Irwin, Lekanoff, Senn, Doglio, Gregerson, Peterson, Goodman, Leavitt, Frame, Pollet, Riccelli, Volz, Davis and Kloba

AN ACT Relating to reducing the total cost of insulin; amending RCW 70.14.060, 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding a new section to chapter 70.14 RCW; adding a new section to chapter

48.43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

HB 2663 by Representatives Dufault, Santos, Steele, Ybarra, Leavitt and Davis

AN ACT Relating to maximum salaries for skill center certificated instructional staff training students to work in skill center identified high-demand fields, including as veterinary technicians, nursing or medical assistants, or cybersecurity specialists; and amending RCW 28A.400.200.

Referred to Committee on Appropriations.

ESSB 5323 by Senate Committee on Environment, Energy & Technology (originally sponsored by Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña)

AN ACT Relating to reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

SB 5811 by Senators Nguyen, Rolfes, Wilson, C., Lias, Das, Hunt, Kuderer and Saldaña

AN ACT Relating to reducing emissions by making changes to the clean car standards and clean car program; and amending RCW 70.120A.010 and 70.120A.050.

Referred to Committee on Environment & Energy.

2SSB 5947 by Senate Committee on Ways & Means (originally sponsored by McCoy, Schoesler, Palumbo, King, Salomon and Warnick)

AN ACT Relating to establishing the sustainable farms and fields grant program; and adding new sections to chapter 43.23 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

SJM 8014 by Senators McCoy and Salomon

Concerning logging and mining in the upper Skagit watershed.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2020 regular session of the sixty-sixth legislature.

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representative Sullivan spoke in favor of the passage of the concurrent resolution.

Speaker Jenkins stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411, was adopted.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1023, by House Committee on Health Care & Wellness (originally sponsored by Macri, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jenkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves)

Allowing certain adult family homes to increase capacity to eight beds.

The bill was read a third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1023 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Macri moved the adoption of the striking amendment (966).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.128.010 and 2019 c 466 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under section 2 of this act.

(2) "Adult family home licensee" means a provider as defined in this section who does not receive payments from the medicaid and state-funded long-term care programs.

(3) "Adult family home training network" means a nonprofit organization established by the exclusive bargaining representative of adult family homes designated under RCW 41.56.029 with the capacity to provide training, workforce development, and other services to adult family homes.

(4) "Adults" means persons who have attained the age of eighteen years.

(5) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

(6) "Department" means the department of social and health services.

(7) "Home" means an adult family home.

(8) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(9) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

(10) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(11) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

(12) "Special care" means care beyond personal care as defined by the department, in rule.

NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW to read as follows:

(1) An applicant requesting to increase bed capacity to seven or eight beds must successfully demonstrate to the department financial solvency and management experience for the home under its ownership and the ability to meet other relevant safety, health, and operating standards pertaining to the operation of an eight bed home, including the ability to meet the needs of all current and prospective residents and ways to mitigate the potential impact of vehicular traffic related to the operation of the home.

(2) The department may only accept and process an application to increase the bed capacity to seven or eight beds when:

(a) A period of no less than twenty-four months has passed since the issuance of the initial adult family home license;

(b) The home has been licensed for six residents for at least twelve months prior to application;

(c) The home has completed two full inspections that have resulted in no enforcement actions;

(d) The home has submitted an attestation that an increase in the number of beds will not adversely affect the health, safety, or quality of life of current residents of the home;

(e) The home has demonstrated to the department the ability to comply with the emergency evacuation standards established by the department in rule;

(f) The home has a residential sprinkler system in place in order to serve residents who require assistance during an evacuation; and

(g) The home has paid any fees associated with licensure or additional inspections.

(3) The department shall accept and process applications under RCW 70.128.060(13) for a seven or eight bed adult family home only if:

(a) The new provider is a provider of a currently licensed adult family home that has been licensed for a period of no less than twenty-four months since the

issuance of the initial adult family home license;

(b) The new provider's current adult family home has been licensed for six or more residents for at least twelve months prior to application; and

(c) The adult family home has completed at least two full inspections, and the most recent two full inspections have resulted in no enforcement actions.

(4) Prior to issuing a license to operate a seven or eight bed adult family home, the department shall:

(a) Notify the local jurisdiction in which the home is located, in writing, of the applicant's request to increase bed capacity; and

(b) Conduct an inspection to determine compliance with licensing standards and the ability to meet the needs of eight residents.

(5) In addition to the consideration of other criteria established in this section, the department shall consider comments received from current residents of the adult family home related to the quality of care and quality of life offered by the home, as well as their views regarding the addition of one or two more residents.

(6) Upon application for an initial seven or eight bed adult family home, a home must provide at least sixty days' notice to all residents and the residents' designated representatives that the home has applied for a license to admit up to seven or eight residents before admitting a seventh resident. The notice must be in writing and written in a manner or language that is understood by the residents and the residents' designated representatives.

(7) In the event of serious noncompliance in a seven or eight bed adult family home, in addition to, or in lieu of, the imposition of one or more actions listed in RCW 70.128.160(2), the department may revoke the adult family home's authority to accept more than six residents.

Sec. 3. RCW 70.128.060 and 2015 c 66 s 1 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter. The department may not issue a license if (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past ten years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) Proof of financial solvency must be submitted when requested by the department.

(5) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(6) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(7) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education,

training, and caregiving experience of the licensed provider or staff.

(8) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers consistent with RCW 70.128.230, and also is required for caregivers, with standardized competency testing for caregivers hired after July 28, 2013, as set forth by the department in rule. The department shall examine, with input from experts, providers, consumers, and advocates, whether the existing specialty training courses are adequate for providers, resident managers, and caregivers to meet these residents' special needs, are sufficiently standardized in curricula and instructional techniques, and are accompanied by effective tools to fairly evaluate successful student completion. The department may enhance the existing specialty training requirements by rule, and may update curricula, instructional techniques, and competency testing based upon its review and stakeholder input. In addition, the department shall examine, with input from experts, providers, consumers, and advocates, whether additional specialty training categories should be created for adult family homes serving residents with other special needs, such as traumatic brain injury, skilled nursing, or bariatric care. The department may establish, by rule, additional specialty training categories and requirements for providers, resident managers, and caregivers, if needed to better serve residents with such special needs.

(9) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(10) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(11) (a) (i) At the time of an application for an adult family home license and upon the annual fee renewal date set by the department, the licensee shall pay a license fee. Beginning July 1, 2011, the per bed license fee and any processing fees, including the initial license fee, must be established in the omnibus appropriations act and any amendment or

additions made to that act. The license fees established in the omnibus appropriations act and any amendment or additions made to that act may not exceed the department's annual licensing and oversight activity costs and must include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(ii) In addition to the fees established in (a)(i) of this subsection, the department shall charge the licensee a nonrefundable fee to increase bed capacity at the adult family home to seven or eight beds or in the event of a change in ownership of the adult family home. The fee must be established in the omnibus appropriations act and any amendment or additions made to that act.

(b) The department may authorize a one-time waiver of all or any portion of the licensing, processing, or change of ownership fees required under this subsection (11) in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing, processing, or change of ownership fees would present a hardship to the applicant.

(12) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(13) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a

dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license."

Correct the title.

Representatives Macri and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (966) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Caldier, Corry, Smith and Chambers spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Hudgins was excused.

On motion of Representative Griffey, Representative Schmick was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

THIRD READING

ENGROSSED HOUSE BILL NO. 1056, by Representatives Mosbrucker, Orwall, Sells, Appleton, Jinkins, Macri, Wylie, Bergquist, Doglio, Stanford and Reeves

Creating a task force to identify the role of the workplace in helping curb domestic violence.

There being no objection, the rules were suspended, and ENGROSSED HOUSE BILL NO. 1056 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Mosbrucker moved the adoption of amendment (963).

On page 1, line 21, after "30," strike "2021" and insert "2022"

On page 2, line 32, after "1," strike "2019" and insert "2020"

On page 2, line 35, after "1," strike "2020" and insert "2021"

On page 2, line 36, after "30," strike "2021" and insert "2022"

Representatives Mosbrucker and Sells spoke in favor of the adoption of the amendment.

Amendment (963) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be the final passage of Second Engrossed House Bill No. 1056.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

SECOND ENGROSSED HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1264, by House Committee on Appropriations (originally sponsored by Ortiz-Self, Orwall, Bergquist, Santos, Dolan, Lovick, Peterson, Reeves, Sells, Stanford, Appleton, Callan, Wylie and Pollet)

Concerning secondary traumatic stress in public school staff.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1264 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Ortiz-Self moved the adoption of amendment (962).

On page 2, line 16, after "June 30," strike "2019" and insert "2020"

Representatives Ortiz-Self and Steele spoke in favor of the adoption of the amendment.

Amendment (962) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self and Steele spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1264.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1264, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1264, having received the necessary constitutional majority, was declared passed.

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1272, by House Committee on Appropriations (originally sponsored by Thai, Harris, Slatter, Ryu, Riccelli, Kilduff, Caldier, Paul, Peterson, Stonier, Shewmake, Appleton, Orwall, Wylie, Gregerson and Pollet)

Concerning school lunch durations.

There being no objection, the rules were suspended, and SECOND SUBSTITUTE HOUSE BILL NO. 1272 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Thai moved the adoption of amendment (991).

On page 2, line 6, after "therefore," insert "in accordance with corresponding provisions in the 2019-2021 omnibus operating appropriations act,"

On page 4, line 31, after "of the" strike "2020-21" and insert "2023-24"

Representatives Thai, McCaslin and Kraft spoke in favor of the adoption of the amendment.

Amendment (991) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai, McCaslin and Kraft spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Corry, DeBolt, Dent, Jenkin, Klippert and Walsh.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Health Care & Wellness (originally sponsored by Robinson, Tharinger, Klippert and Lovick)

Concerning certain providers sharing background checks.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Robinson moved the adoption of the striking amendment (967).

Strike everything after the enacting clause and insert the following:

"Sec. 4. RCW 43.43.830 and 2019 c 271 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

(2) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(3) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(4) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect,

abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(5) "Client" or "resident" means a child, person with developmental disabilities, or vulnerable adult applying for housing assistance from a business or organization.

(6) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(7) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; fourth degree assault (if a violation of RCW 9A.36.041(3)); first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled

substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; hate crime; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(8) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(9) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(10) "Criminal background inquiry information" means only the results from a processed background check, including criminal history record information that may be disclosed without restriction under RCW 10.97.050. "Criminal background inquiry information" does not include any commercial records or financial records of an individual or any criminal history record information that is confidential under state or federal law.

(11) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

~~((11))~~ (12) "Health care facility" means a nursing home licensed under chapter 18.51 RCW, an assisted living facility licensed under chapter 18.20 RCW, ~~((12))~~ an adult family home licensed under chapter 70.128 RCW, or an enhanced services facility licensed under chapter 70.97 RCW.

~~((12))~~ (13) "Peer counselor" means a nonprofessional person who has equal standing with another person, providing advice on a topic about which the nonprofessional person is more experienced or knowledgeable, and who is a counselor for a peer counseling program that contracts with or is otherwise

approved by the department, another state or local agency, or the court.

~~((13))~~ (14) "Provider" means the following types of entities:

(a) A health care facility, as defined in this section;

(b) An in-home services agency, as defined in RCW 70.127.010;

(c) A community residential service business, as defined in RCW 74.39A.009; and

(d) A consumer directed employer, as defined in RCW 74.39A.009.

(15) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

With regard to peer counselors, "unsupervised" does not include incidental contact with children under age sixteen at the location at which the peer counseling is taking place. "Incidental contact" means minor or casual contact with a child in an area accessible to and within visual or auditory range of others. It could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office.

~~((14))~~ (16) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

Sec. 5. RCW 43.43.832 and 2019 c 146 s 6 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a

vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial

eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain ~~((health care))~~ providers have staff who change employment frequently, ~~((health care facilities))~~ providers may ~~((, upon request from another health care~~

~~facility,))~~ share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing ~~((health care facility))~~ provider listed in (a) of this subsection only if the following conditions are satisfied: The ~~((licensed health care facility))~~ provider sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed ~~((at a licensed health care facility))~~ by the provider to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the ~~((health care facility))~~ provider employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any ~~((health care facility))~~ provider that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) ~~((Health care facilities))~~ Providers that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) ~~((Health care facilities))~~ Providers shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may maintain a background check database. The background check database shall be a web-based background check

system for the use of authorized internal and external entities to submit background check requests; receive results of background checks based on name, date of birth, fingerprint identification, or any other method of positive identification; review state and federal criminal history records; and process the results of background checks. A business or organization required to complete background checks for long-term care workers under RCW 74.39A.056 may satisfy that requirement by using the results of the background check database in accordance with rules adopted by the department of social and health services."

Correct the title.

Representatives Robinson and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (967) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson and Caldier spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1565.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1826, by House Committee on Civil Rights & Judiciary (originally sponsored by Leavitt, Kilduff and Morgan)

Concerning the disclosure of certain information during the discharge planning process.

The bill was read the third time.

Representatives Leavitt and Irwin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1826.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1826, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

SUBSTITUTE HOUSE BILL NO. 1826, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2099, by Representatives Irwin and Jinkins

Concerning the use of video technology under the involuntary treatment act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2099 was substituted for House Bill No. 2099 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2099 was read the second time.

Representative Irwin moved the adoption of the striking amendment (1000).

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that

certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The

habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to

detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or

10.77 RCW, or somatic health care information;

(29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(37) "Mental health professional" means a psychiatrist, psychologist, physician

assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse

practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure

withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 7. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview.

(2) (a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by

the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken

into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 8. RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and

treatment period may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk,

delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 9. RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.

(3) (a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) or (2) of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, based on a substance use disorder, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with

obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

Sec. 10. RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more

than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) or (2) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the

peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

Sec. 11. RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088(~~((1)-(e))~~) (2)(d)(i), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(~~((1)-(e))~~) (2)(d)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088(~~((1)-(e))~~) (2)(d)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than

forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present

at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9). Presence at such proceeding shall mean participation either in person or by video as provided in the definition of "hearing" in RCW 71.05.020, as determined by the court.

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).

Sec. 12. RCW 71.05.310 and 2012 c 256 s 8 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety-day treatment within five judicial days of the first court appearance after the probable cause hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing for good cause upon the written request of the person named in the petition or the person's attorney. The court may continue for good cause the hearing on a petition filed under RCW 71.05.280(3) upon written request by the person named in the petition, the person's attorney, or the petitioner. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9). Presence at such

proceeding shall mean participation either in person or by video as provided in the definition of "hearing" in RCW 71.05.020, as determined by the court.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, or the petitioner in the case of a petition filed under RCW 71.05.280(3), the detained person shall be released.

NEW SECTION. Sec. 13. Sections 2 and 4 of this act expire July 1, 2026.

NEW SECTION. Sec. 14. Sections 3 and 5 of this act take effect July 1, 2026."

Correct the title.

Representative Irwin moved the adoption of amendment (1001) to the striking amendment (1000).

On page 15, at the beginning of line 26 of the striking amendment, strike "available" and insert "present"

On page 17, at the beginning of line 12 of the striking amendment, strike "available" and insert "present"

Representatives Irwin and Kilduff spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1001) to the striking amendment (1000) was adopted.

Representatives Irwin and Kilduff spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1000), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2099.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2099, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1775, and the bill was referred to the Committee on Human Services & Early Learning.

There being no objection, the House adjourned until 9:55 a.m., January 17, 2020, the 5th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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